

KEVIN V. RYAN (CSBN 118321)  
United States Attorney

EUMI CHOI (WVBN 0722)  
Chief, Criminal Division

MICHELLE MORGAN-KELLY (DEBN 3651)  
Assistant United States Attorney

450 Golden Gate Avenue  
San Francisco, California 94102  
Telephone: (415) 436-6960  
Fax: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ROSALYN TILLERY,  
  
Defendant.

No. CR 05-00756 PJH

PARTIES' STIPULATION AND  
~~PROPOSED~~ ORDER CONTINUING  
STATUS CONFERENCE AND  
EXCLUDING TIME FROM DECEMBER  
7, 2005 THROUGH JANUARY 25, 2006  
UNDER THE SPEEDY TRIAL ACT

Honorable Phyllis J. Hamilton

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The parties initially appeared on the instant matter on December 7, 2005 before the Honorable Phyllis J. Hamilton..

2. At the December 7, 2005 appearance, David Cohen, counsel for the defendant, indicated that he would like time to issue Rule 17 subpoenas for additional discovery and requested that the matter be continued until January 25, 2006 at 1:30 p.m. The parties requested that the time period from December 7, 2005 through January 25, 2006 be excluded from the calculation of time under the Speedy Trial Act.

3. In light of the foregoing facts, the failure to grant the requested exclusion would unreasonably deny counsel for the defense the reasonable time necessary for effective

1 preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A),  
2 (B)(iv). The ends of justice would be served by the Court excluding the proposed time period.  
3 These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. §  
4 3161(h)(8)(A).

5 4. For the reasons stated, the time period from December 7, 2005 through January 25, 2006  
6 shall be excluded from the calculation of time under the Speedy Trial Act.

7 SO STIPULATED.

8 DATED: 12/7/05

KEVIN V. RYAN  
United States Attorney

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10  
11 /s/  
MICHELLE MORGAN-KELLY  
Assistant United States Attorney

12  
13 DATED: 12/7/05

14 /s/  
DAVID COHEN  
Counsel for Defendant Rosalyn Tillery

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
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17  
18 DATED: 12/13/05

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HON. PHYLLIS J. HAMILTON  
United States District Court Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the office of the United States Attorney, Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned certifies that she caused copies of

**PARTIES' STIPULATION AND [PROPOSED] ORDER CONTINUING STATUS  
CONFERENCE AND EXCLUDING TIME FROM DECEMBER 7, 2005 THROUGH  
JANUARY 25, 2006 UNDER THE SPEEDY TRIAL ACT**

in the case of **UNITED STATES V. ROSALYN TILLERY, CR 05-00756 PJH** to be served on the parties in this action, by placing a true copy thereof in a sealed envelope, addressed as follows which is the last known address:

**David Cohen, Esq.  
Cohen & Paik  
177 Post Street, suite 600  
San Francisco, CA 94108  
Fax No: 415-398-7500**

\_\_\_\_ (By Personal Service), I caused such envelope to be delivered by hand to the person or offices of each addressee(s) above.

  X   (By Facsimile), I caused each such document to be sent by Facsimile to the person or offices of each addressee(s) above.

\_\_\_\_ (By Mail), I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Francisco, California.

\_\_\_\_ (By Fed Ex), I caused each such envelope to be delivered by FED EX to the address listed above.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 7, 2005

\_\_\_\_\_  
/s/  
**RAWATY YIM**  
United States Attorney's Office